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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,152	10/06/2000	Sean Hu	PSTM0034/MRK	9961

29524 7590 04/05/2006

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EXAMINER

WEBB, JAMISUE A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 5, 6, 8-16, 18-20, 26-31, and 33-43, drawn to a method, system and computer program code for managing shipping for formatting and displaying a shipping label, classified in class 705, subclass 1.
 - II. Claims 7, 17, 32, and 44-55, drawn to a method system and computer program code for printing dimensionally accurate, classified in class 705, subclass 1.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because it does not require that the specific steps of sending a test image, receive a test image pattern indication, determining a set of graphic resolution characteristics based on the pattern indication, and generate an image to be printed. The subcombination has separate utility such as it can be used for other labels besides shipping labels, and it does not require the use of processing a request for shipping a parcel, and gathering information from a plurality of carriers.

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The subcombination has utility in a system which is carrier specific, the combination, the system has rules for each carrier.

3. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

4. This application contains claims directed to the following patentably distinct species: If the Applicant elects Invention I, the following species exist and election is required:

- a. Claims 5, 6, 8, 9, 15, 16, 18, 19, 30, 31, 33, 34 and 39 are drawn to one independent and distinct species; and
- b. Claims 10, 11-14, 20, 26, 27, 30 and 40-42 are drawn to another independent and distinct species.

The species are independent or distinct because they are drawn to different embodiments of determining graphic resolution characteristics, species a, drawn to the method where the resolution corresponds to a display device, where as species a, sends a test image, and receives user input to determine the graphic resolution characteristics.

Description of the different embodiments are found in applicant's specification, pages 74 and 75.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 38 and 43 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

5. After multiple amendments to the claims, the examiner feels the claims now recite numerous limitations, and are so detailed, that they are separating in scope, therefore the examiner is now requiring the restriction/election of species/

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In

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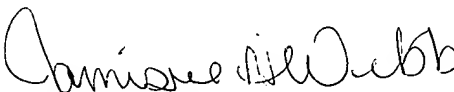
either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (571) 272-6811. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jamisue Webb
Patent Examiner
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